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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,192	02/27/2002	Koji Kunii	450100-03799	1447
20999 7590 01/11/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER JONES, HEATHER RAE	
			ART UNIT 2621	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/085,192	Applicant(s) KUNII ET AL.	
	Examiner Heather R. Jones	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/15/04, 12/16/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 43, reference character "381".

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 27, 28, 37, 38, 43, and 44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 27, 28, 37, 38, 43,

and 44 defines a either a computer-program storage medium or a computer program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed computer-program storage medium can range from paper on which the program is written, to a program simply contemplated and memorized by a person.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9, 14-20, and 22-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (U.S. Patent 6,437,836).

Regarding claim 9, Huang et al. discloses a portable information terminal apparatus connected to a recording/reproducing apparatus, the portable information terminal apparatus comprising: acquiring means for acquiring

program about programs; displaying means for displaying the program information acquired by the acquiring means; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on an operational input made by a user referring to the program information displayed by the displaying means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65).

Regarding claim **14**, Huang et al. discloses all the limitations as previously discussed with respect to claim 9, as well as disclosing storing means for storing said preset information established by said establishing means; and controlling means for controlling exchanges of information with said recording/reproducing apparatus; wherein said transmitting means transmits said preset information from said storing means to said recording/reproducing apparatus under control of said controlling means (Fig. 4).

Regarding claim **15**, Huang et al. discloses all the limitations as previously discussed with respect to claim 9 as well as disclosing the apparatus further comprises registering means for registering detailed information for designating said program information to be acquired by said acquiring means; wherein said displaying means further displays said detailed information registered by said registering means (Figs 1A and 4 – step 414)

Regarding claim **16**, Huang et al. discloses all the limitations as previously discussed with respect to claims 9 and 15 including that the detailed information includes any one of a region, a channel, and a user ID (Fig. 5).

Regarding claim **17**, Huang et al. discloses all the limitations as previously discussed with respect to claims 9 and 15 including that the registering means registers a plurality of items of said detailed information, and wherein said acquiring means acquires said program information corresponding to said plurality of items of said detailed information registered by said registering means (Fig. 4 – step 414).

Regarding claim **18**, Huang et al. discloses all the limitations as previously discussed with respect to claims 9 and 15 including that if said program information corresponding to said detailed information is acquired by said acquiring means, then said displaying means further displays a predetermined mark pointing to said detailed information (Figs. 4 and 5).

Regarding claim **19**, Huang et al. discloses all the limitations as previously discussed with respect to claims 9 and 15 as well as disclosing controlling means for controlling exchanges of information with said recording/reproducing apparatus; and receiving means which, under control of said controlling means, receives from said recording/reproducing apparatus a message regarding preset status of said desired program as part of said preset information transmitted from said transmitting means; wherein said displaying means further displays a

predetermined mark pointing to said detailed information based on said message received by said receiving means (Figs. 2, 4, and 5).

Regarding claim **20**, Huang et al. discloses all the limitations as previously discussed with respect to claim 9 as well as the apparatus further comprising receiving means for receiving image data derived from conversion of said desired program, recorded by said recording/reproducing apparatus, into a predetermined file format; wherein said displaying means further displays said image data received by said receiving means (Figs. 2 and 4).

Regarding claim **22**, Huang et al. discloses all the limitations as previously discussed with respect to claim 9 including a transmitting means transmits infrared rays modulated to represent a preset signal corresponding to said preset information (Fig. 2; col.4, line 62 - col. 5, line 9).

Regarding claim **23**, Huang et al. discloses all the limitations as previously discussed with respect to claim 9 including that the transmitting means transmits radio waves modulated to represent a preset signal corresponding to said preset information (col. 9, lines 12 -24).

Regarding claim **24**, Huang et al. discloses all the limitations as previously discussed with respect to claim 9 including that the transmitting means transmits said preset information over a network (Fig. 2; col. 4, line 62 – col. 5, line 9; col. 9, lines 12-24).

Regarding claim **25**, Huang et al. discloses all the limitations as previously discussed with respect to claim 9 as well as disclosing updating means for

updating said preset information established by said establishing means (Fig. 4 - step 420).

Regarding claim **26**, this is a method claim corresponding to the apparatus claim 9. Therefore, claim 26 is analyzed and rejected as previously discussed with respect to claim 9.

Regarding claim **27**, this is a computer-program storage medium claim corresponding to the apparatus claim 9. Therefore, claim 27 is analyzed and rejected as previously discussed with respect to claim 9.

Regarding claim **28**, this is a computer program claim corresponding to the apparatus claim 9. Therefore, claim 28 is analyzed and rejected as previously discussed with respect to claim 9.

5. Claims 29, 31-40, and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (U.S. Patent 6,898,762)

Regarding claim **29**, Ellis et al. discloses a program information providing apparatus for providing program information about programs to an information processing apparatus over a network, said program information providing apparatus comprising: storing means for storing said program information and advertisement information (Figs. 2a-2c; col. 5, lines 6-22); converting means which, based on a request from said information processing apparatus, retrieves said program information and said advertisement information from said storing means before converting the retrieved information into data of a predetermined format compatible with said information processing apparatus (col. 1, line 65 -

col. 2, line 3 - there are several ways to send the information which would all require different formatting); and providing means for providing said data converted by said converting means to said information processing apparatus over said network (col. 1, line 65 - col. 2, line 3).

Regarding claim **31**, Ellis et al. discloses all the information as previously discussed with respect to claim 29, including that the storing means further stores user information about a user who owns said information processing apparatus (col. 19, line 64 – col. 20, line 16).

Regarding claim **32**, Ellis et al. discloses all the information as previously discussed with respect to claim 29, including that the program information includes detailed program information associated with said program information, and wherein said advertisement information includes detailed advertisement information associated with said advertisement information (col. 19, line 64 - col. 20, line 16).

Regarding claim **33**, Ellis et al. discloses all the information as previously discussed with respect to claims 29 and 32, including that the detailed program information includes either an indicator pointing to a location where further information associated with said program information exists, or information about a reference to the associated information (col. 19, line 64 – col. 20, line 16).

Regarding claim **34**, Ellis et al. discloses all the information as previously discussed with respect to claims 29 and 32, including that the detailed advertisement information includes either an indicator pointing to a location

where further information associated with said advertisement information exists, or information about a reference to the associated information (col. 19, line 64 – col. 20, line 16).

Regarding claim **35**, Ellis et al. discloses all the information as previously discussed with respect to claim 29 including that the advertisement information includes time limit information denoting a time limit (col. 10, lines 18-27 – advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Regarding claim **36**, this is a method claim corresponding to the apparatus claim 29. Therefore, claim 36 is analyzed and rejected as previously discussed with respect to claim 29.

Regarding claim **37**, this is a computer-program storage medium claim corresponding to the apparatus claim 29. Therefore, claim 37 is analyzed and rejected as previously discussed with respect to claim 29.

Regarding claim **38**, this is a computer program claim corresponding to the apparatus claim 29. Therefore, claim 38 is analyzed and rejected as previously discussed with respect to claim 29.

Regarding claim **39**, recording/reproducing apparatus connected to a portable information terminal apparatus, said recording/reproducing apparatus comprising: receiving means for receiving from said portable information terminal apparatus preset information for presetting a desired program to be recorded unattended; and recording controlling means for controlling the unattended

recording of said desired program based on said preset information received by said receiving means (Figs. 3 and 4).

Regarding claim **40**, Ellis et al. discloses all the information as previously discussed with respect to claim 39 including that the converting means for converting said desired program recorded by said recording controlling means into image data of a predetermined file format in response to a request from said portable information terminal apparatus; and transmitting means for transmitting said image data converted by said converting means to said portable information terminal apparatus (col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting).

Regarding claim **42**, this is a method claim corresponding to the apparatus claim 39. Therefore, claim 42 is analyzed and rejected as previously discussed with respect to claim 39.

Regarding claim **43**, this is a computer-program storage medium claim corresponding to the apparatus claim 39. Therefore, claim 43 is analyzed and rejected as previously discussed with respect to claim 39.

Regarding claim **44**, this is a computer program claim corresponding to the apparatus claim 39. Therefore, claim 44 is analyzed and rejected as previously discussed with respect to claim 39.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. Patent 6,898,762) and in view of Huang et al. (U.S. Patent 6,437,836).

Regarding claim 1, Ellis et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs, and an information processing apparatus having recording and reproducing functions; wherein said program information providing apparatus includes: storing means for storing said program information (Fig. 1); and providing means for retrieving said program information from said storing means before providing the retrieved program information to the user's apparatus (Figs. 2a-2c; col. 5, lines 6-22); and wherein said information processing apparatus includes: receiving means for receiving said preset information from the user's apparatus; and recording controlling means for controlling the unattended recording of said desired program based on said preset information received by said receiving means (col. 9, line 17 - col. 10, line 2). However, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing

apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means.

Referring to the Huang et al. reference, Huang et al. discloses a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the portable information terminal apparatus disclosed by Huang et al. to schedule recordings remotely with the program guide distribution system disclosed by Ellis et al. since Ellis et al. is able to send the program guides over the internet in order to allow the user to schedule any recordings they may have forgotten to when they were home, making the device more user-friendly.

Regarding claim 2, Ellis et al. in view of Huang et al. discloses all the limitations previously discussed with respect to claim 1 including that the program information providing apparatus further includes converting means for retrieving said program information from said storing means before converting the retrieved program information into data of a file format compatible with said portable information terminal apparatus; and wherein said providing means provides said data converted by said converting means to said portable information terminal apparatus (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting).

Regarding claim 3, Ellis et al. in view of Huang et al. discloses all the limitations previously discussed with respect to claim 1 including that the aid portable information terminal apparatus further includes generating means for generating a preset signal corresponding to said preset information established by said establishing means; and wherein said transmitting means transmits to said information processing apparatus infrared rays modulated to represent said preset signal generated by said generating means (Huang et al.: Fig. 2; col.4, line 62 - col. 5, line 9).

Regarding claim 4, Ellis et al. in view of Huang et al. discloses all the limitations previously discussed with respect to claim 1 including that the portable information terminal apparatus further includes generating means for generating a preset signal corresponding to said preset information established by said establishing means; and wherein said transmitting means transmits to said

information processing apparatus radio waves modulated to represent said preset signal generated by said generating means (Huang et al.: col. 9, lines 12-24).

Regarding claim 5, Ellis et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs, and an information processing apparatus having recording and reproducing functions; wherein said program information providing apparatus includes: storing means for storing said program information and advertisement information (Fig. 1); and providing means for retrieving said program information and the advertisement information from said storing means before providing the retrieved program information to the user's apparatus (Figs. 2a-2c; col. 5, lines 6-22); and wherein said information processing apparatus includes: receiving means for receiving said preset information from the user's apparatus; and recording controlling means for controlling the unattended recording of said desired program based on said preset information received by said receiving means (Figs. 5-8c - advertisement information is displayed along with the program information; col. 9, line 17 - col. 10, line 2). However, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information

acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means.

Referring to the Huang et al. reference, Huang et al. discloses a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the portable information terminal apparatus disclosed by Huang et al. to schedule recordings remotely with the program guide distribution system disclosed by Ellis et al. since Ellis et al. is able to send the program guides over the internet in order to allow the user to schedule any recordings they may have forgotten to when they were home, making the device more user-friendly.

Regarding claim 6, Ellis et al. in view of Huang et al. discloses all the limitations previously discussed with respect to claim 5 including that the program information providing apparatus further includes converting means for retrieving

said program information and the advertisement information from said storing means before converting the retrieved program information into data of a file format compatible with said portable information terminal apparatus; and wherein said providing means provides said data converted by said converting means to said portable information terminal apparatus (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting).

Regarding claim 7, Ellis et al. discloses an information processing system comprising an information processing apparatus which has recording and reproducing functions, which stores program information about programs and which is owned by the user; wherein said program information providing apparatus includes: storing means for storing said program information and advertisement information (Fig. 1); and providing means for retrieving said program information and the advertisement information from said storing means before providing the retrieved program information to the user's apparatus (Figs. 2a-2c; col. 5, lines 6-22); and wherein said information processing apparatus includes: receiving means for receiving said preset information from the user's apparatus; and recording controlling means for controlling the unattended recording of said desired program based on said preset information received by said receiving means (Figs. 5-8c - advertisement information is displayed along with the program information; col. 9, line 17 - col. 10, line 2). However, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user,

wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said information processing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means.

Referring to the Huang et al. reference, Huang et al. discloses a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said information processing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the portable information terminal apparatus disclosed by Huang et al. to schedule recordings remotely with the program guide distribution system disclosed by Ellis et al. since Ellis et al. is able to send the program guides over the internet in order to allow the user to

schedule any recordings they may have forgotten to when they were home, making the device more user-friendly.

Regarding claim 8, Ellis et al. in view of Huang et al. discloses all the limitations previously discussed with respect to claim 7 including that the acquiring means further acquires said program information sent from another portable information terminal apparatus (Huang et al.: Fig. 2).

8. Claims 10-13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. as applied to claim 9 above, and further in view of Ellis et al. (U.S. Patent 6,898,762).

Regarding claim 10, Huang et al. discloses all the limitations as previously discussed with respect to claim 9, but fails to disclose a judging means; wherein said program information includes detailed program information associated with advertisement information; wherein said judging means judges whether the program information acquired by said acquiring means is associated with said advertisement information; and wherein, if said judging means judges that said program information is not associated with said advertisement information, then said displaying means does not display said program information.

Referring to the Ellis et al. reference, Ellis et al. discloses a judging means; wherein said program information includes detailed program information associated with advertisement information; wherein said judging means judges whether the program information acquired by said acquiring means is associated with said advertisement information; and wherein, if said judging means judges

that said program information is not associated with said advertisement information, then said displaying means does not display said program information (col. 10, lines 18-27 – advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a judging means as disclosed by Ellis et al. in the portable information terminal apparatus disclosed by Huang et al. in order to target the advertisements to the user and the other programs.

Regarding claim 11, Huang et al. in view of Ellis et al. discloses all the limitations as previously discussed with respect to claims 9 and 10 including that the detailed program information includes either an indicator pointing to a location where further information associated with said program information exists, or information about reference to the associated information (Ellis et al.: col. 10, lines 18-27 – advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Regarding claim 12, Huang et al. in view of Ellis et al. discloses all the limitations as previously discussed with respect to claims 9 and 10 including that the advertisement information includes detailed advertisement information associated with said advertisement information; and wherein said detailed advertisement information includes either an indicator pointing to a location where further information associated with said advertisement information exists, or information about a reference to the associated information (Ellis et al.: col. 10,

lines 18-27 – advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Regarding claim 13, Huang et al. discloses all the limitations as previously discussed with respect to claim 9, but fails to disclose a judging means and updating means; wherein said program information is associated with advertisement information; wherein said advertisement information includes time limit information denoting a time limit; wherein said judging means judges whether said time limit denoted by said time limit information in said advertisement information has expired; and wherein said updating means updates said program information based on the judgment by said judging means.

Referring to the Ellis et al. reference, Ellis et al. discloses a judging means and updating means; wherein said program information is associated with advertisement information; wherein said advertisement information includes time limit information denoting a time limit; wherein said judging means judges whether said time limit denoted by said time limit information in said advertisement information has expired; and wherein said updating means updates said program information based on the judgment by said judging means (col. 10, lines 18-27 – advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a judging means as disclosed by Ellis et

al. in the portable information terminal apparatus disclosed by Huang et al. in order to target the advertisements to the user and the other programs.

Regarding claim **21**, Huang et al. discloses all the limitations as previously discussed with respect to claim 9, but fails to disclose a managing means for managing a schedule list in which to register what is scheduled by said user; judging means for judging whether or not to write said preset information established by said establishing means to said schedule list managed by said managing means; and writing means which, based on the judgment by said judging means, writes said preset information established by said establishing means to said schedule list managed by said managing means; wherein said displaying means further displays said schedule list including said preset information written by said writing means.

Referring to the Ellis et al. reference, Ellis et al. discloses a managing means for managing a schedule list in which to register what is scheduled by said user; judging means for judging whether or not to write said preset information established by said establishing means to said schedule list managed by said managing means; and writing means which, based on the judgment by said judging means, writes said preset information established by said establishing means to said schedule list managed by said managing means; wherein said displaying means further displays said schedule list including said preset information written by said writing means (col. 9, line 17 – col. 10, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a judging means as disclosed by Ellis et al. in the portable information terminal apparatus disclosed by Huang et al. in order to properly schedule programs for recording so there is no overlapping in scheduled recording times.

9. Claims 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. as applied to claim 29 above.

Regarding claim **30**, Ellis et al. discloses all the information as previously discussed with respect to claim 29, but fails to disclose a charging means for calculating a fee for inserting said advertisement information and charging said fee on a sponsor of said advertisement information. Official Notice is taken that it is well known to charge the sponsor for advertising. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have charged the sponsor a fee for advertising in order for the distribution facility to make money to continue providing program information.

Regarding claim **41**, Ellis et al. discloses all the information as previously discussed with respect to claim 39 but fails to disclose a transmitting means for transmitting to said portable information terminal apparatus a message regarding preset status of said desired program as part of said preset information received by said receiving means. Official Notice is taken that it is well known to notify the user of the recording status and any conflicts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

alert the user regarding the recording status to allow the user to make different recording arrangements if necessary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner

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HRJ
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A handwritten signature in black ink, appearing to read 'J. Miller', with a stylized flourish extending to the right.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600